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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 210/2019 & CM APPL. 985/2019**

AKHIL DABAS

..... Petitioner

Through Mr Jayant Mehta, Mr Vijay Kasana
and Ms Drishti Harpalani, Advocates.

versus

SUB-REGISTRAR, GNCT OF DELHI

..... Respondent

Through Mr Devesh Singh, ASC, Civil,
GNCTD with Ms Urvashi Tripathi and Ms
Sukriti Ghai, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.02.2019

1. The petitioner has filed the present, *inter alia*, praying that respondent no.1 (Sub-Registrar IX, District: South West) be directed to register the sale deed presented before it for registration, if not already registered, and supply a copy of the sale deed dated 30.11.2018. The sale deed in question was presented for registration vide entry No. 13173 in respect of TY Build Up Freehold Flat No. B-102, (Category-B), 1st Floor, situated in the lay out plan of the Delhi State Newspaper Employees Federation Co-operative Group Housing Society Limited which is located at plot No. 1, Sector-19, Dwarka, New Delhi (hereafter 'the said property').

2. The petitioner claims to have acquired the said property for good consideration. The petitioner claims that the seller executed the sale deed

on 30.11.2018, in the presence of two witnesses in the office of the respondent. The sale deed was thereafter presented for registration and all formalities in this regard were also completed.

3. The petitioner's grievance is that despite completing all the formalities, the petitioner has not received a copy of the duly registered sale deed. Aggrieved by the same, the petitioner caused a legal notice dated 14.12.2018 to be served on the respondent, which was followed by another notice dated 29.12.2018, but the petitioner has not received any response to the same, as yet.

4. The learned counsel appearing for the respondent has now filed a counter affidavit, which indicates that the respondent has not registered the Sale Deed, at the instance of the Sub Divisional Magistrate Dwarka (SDM) who is also appointed as the Administrator for the Delhi State Newspaper Employees Federation CGHS, Plot No.1, Sector-19, Dwarka.

5. The Administrator has alleged that the said property being transacted, measures approximately 216 sq. metres while the Sale Deed records the same to be 109 sq. metres. It appears that the allegation is that two separate flats have been merged and the same are being transacted by a single Sale Deed. It is also mentioned in the affidavit that the same is a *benami* property. In addition to the above, it is also alleged that there are dues in the sum of ₹12,40,468/- outstanding and payable to the Society in respect of the said property.

6. Mr Mehta, learned counsel appearing for the petitioner disputes the aforesaid contentions.

7. It is clear from the above that none of the aforesaid contentions is material for the respondent to have withheld the registration of the sale

deed. Plainly, the respondent cannot withhold the registration of a Sale Deed on the basis of a letter written by the Administrator of the Society, considering that the said property is a freehold property.

8. Insofar as the allegation with regard to the size of the property is concerned, that may have a bearing on the stamp duty payable. Even if the stamp duty is deficient, the respondent cannot withhold registering the Sale Deed. In terms of Section 47A of the Indian Stamp Act, 1899, he is required to register the sale deed and make a reference to the Collector of Stamps for adjudication of the proper stamp duty.

9. In view of the above, the present petition is allowed. The respondent is directed to register the sale deed forthwith. If the Sub-Registrar has reason to believe that the stamp duty paid is deficient, he is required to follow the procedure as provided under Section 47A of the Indian Stamp Act, 1899.

10. It is also clarified that this order will not preclude the Administrator of the Society in question or any other person contesting the transfer of the property to institute appropriate proceedings and seek such remedies as available in law.

11. The petition is disposed of. The pending application is also disposed of.

12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 07, 2019

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